
By: **Delegate Rudolph**
Introduced and read first time: February 7, 2003
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Municipal Corporations - Annexations - Approval by Counties**

3 FOR the purpose of prohibiting an annexation by a municipal corporation of land
4 located in a county other than the county in which the municipal corporation is
5 located from becoming effective without the prior written approval of the
6 governing body of the county in which is located the land to be annexed; making
7 stylistic changes; and generally relating to annexations by municipal
8 corporations.

9 BY repealing and reenacting, with amendments,
10 Article 23A - Corporations - Municipal
11 Section 19
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2002 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 23A - Corporations - Municipal**

17 19.

18 (a) (1) [The] SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF
19 THIS SUBSECTION, THE legislative body, by whatever name known, of every
20 municipal corporation in this State may enlarge its corporate boundaries as provided
21 in this subheading. [; but this]

22 (2) THE power TO ENLARGE CORPORATE BOUNDARIES shall apply only
23 to land:

24 [(1)] (I) Which is contiguous and adjoining to the existing
25 corporate area; and

26 [(2)] (II) Which does not create any unincorporated area which is
27 bounded on all sides by real property presently within the corporate limits of the
28 municipality, real property proposed to be within the corporate limits of the

1 municipality as a result of the proposed annexation, or any combination of such
2 properties.

3 (3) IF THE LAND TO BE ANNEXED IS LOCATED IN A COUNTY OTHER
4 THAN THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS LOCATED, THE
5 ANNEXATION MAY NOT BECOME EFFECTIVE WITHOUT THE PRIOR WRITTEN
6 APPROVAL OF THE GOVERNING BODY OF THE COUNTY IN WHICH IS LOCATED THE
7 LAND TO BE ANNEXED.

8 (b) (1) The proposal for change may be initiated by resolution regularly
9 introduced into the legislative body of the municipal corporation, in accordance with
10 the usual requirements and practices applicable to its legislative enactments, and
11 also in conformity with the several requirements contained in subsections (b) and (c)
12 of § 13 of this subtitle, but only after the legislative body has obtained the consent for
13 the proposal from not less than 25 percent of the persons who reside in the area to be
14 annexed and who are registered as voters in county elections and from the owners of
15 not less than 25 percent of the assessed valuation of the real property located in the
16 area to be annexed. The resolution shall describe by a survey of courses and distances,
17 and may also describe by landmarks and other well-known terms, the exact area
18 proposed to be included in the change, and shall contain complete and detailed
19 provisions as to the conditions and circumstances applicable to the change in
20 boundaries and to the residents and property within the area to be annexed.

21 (2) (i) The requirements of paragraph (1) for consent of resident voters
22 and property owners do not apply if on or before January 1, 1983 the property to be
23 annexed is:

24 1. Bounded on all sides by real property presently within the
25 corporate limits of the municipality, and the entire area is to be included in the same
26 annexation;

27 2. The size of the area does not exceed 1.5 percent of the
28 present area of the municipal corporation; and

29 3. The number of residents in the area does not exceed 1
30 percent of the population of the municipal corporation.

31 (ii) A resolution of annexation under this paragraph is not subject
32 to the referendum provisions of subsection (f) of this section.

33 (iii) The provisions of this paragraph shall be of no effect and may
34 not be exercised after June 30, 1984.

35 (c) The proposal for change also may be initiated by a written petition signed
36 by not less than twenty-five per centum (25%) of the persons who reside in the area
37 to be annexed and who are registered as voters in county elections in the precinct or
38 precincts in which the territory to be annexed is located, and by the owners of not less
39 than twenty-five per centum (25%) of the assessed valuation of the real property
40 located in the area to be annexed. Upon the presentation of a petition to the
41 legislative body of the municipal corporation, the presiding officer thereof shall cause

1 to be made a verification of the signatures thereon and shall ascertain that the
2 persons signing the petition represent at least twenty-five per centum (25%) of the
3 persons who reside in the area to be annexed and who are registered as voters in
4 county elections in the precinct or precincts in which the territory to be annexed is
5 located, and the owners of twenty-five per centum (25%) of the assessed valuation of
6 the real property located in the area to be annexed. Upon verifying that the
7 requirements of this subsection have been complied with, the presiding officer of the
8 legislative body shall promptly cause to be introduced therein a resolution proposing
9 the change of boundaries as requested by the petition. The resolution in form and
10 content shall conform to the requirements of this section.

11 (d) After the introduction of the resolution into the legislative body of the
12 municipal corporation, the chief executive and administrative officer of the municipal
13 corporation shall cause a public notice thereof to be published not fewer than four
14 times at not less than weekly intervals in a newspaper or newspapers of general
15 circulation in the municipal corporation and the area to be annexed, briefly and
16 accurately describing the proposed change and the conditions and circumstances
17 applicable. The public notices shall specify a time and place at which a public hearing
18 will be held by the legislative body on the resolution; the hearing shall be set for not
19 less than 15 days after the fourth publication of the notices and shall be held either
20 within the boundaries of the municipal corporation or within the area to be annexed.
21 The public hearing may be continued or rescheduled for a subsequent time not to
22 exceed 30 days from the day for which the meeting was originally scheduled, or the
23 day on which the hearing commenced but was not completed. In the event of a
24 continuation or rescheduling, a single public notice shall be given at least seven days
25 prior to the continued or rescheduled date in a newspaper of general circulation in the
26 municipal corporation and in the area whose annexation is to be discussed, briefly
27 and accurately describing the property whose annexation is to be discussed, and
28 specifying the day, time, and place of the public hearing. Immediately upon the first
29 publication of the public notice, a copy of the public notice shall be provided to the
30 governing body of the county and any regional and State planning agencies having
31 jurisdiction within the county. Each of these agencies and jurisdictions shall have the
32 first right to be heard at the scheduled public hearing, after which the hearing shall
33 be open to the general public.

34 (e) Following the public hearing, the legislative body may proceed to enact the
35 resolution, in accordance with the usual requirements and practices applicable to its
36 legislative enactments. The resolution shall not become effective until at least
37 forty-five (45) days following its final enactment.

38 (f) At any time within the 45 day period following the final enactment of the
39 resolution, a number of persons equal to not less than 20 percent of the persons who
40 reside in the area to be annexed and who are registered as voters in county elections
41 in the precinct or precincts in which the territory to be annexed is located may, in
42 writing, petition the chief executive and administrative officer of the municipal
43 corporation for a referendum on the resolution. Upon the presentation of a petition to
44 the officer, he shall cause to be made a verification of the signatures thereon and shall
45 ascertain that the persons signing the petition represent at least 20 percent of the
46 persons who reside in the area to be annexed and who are registered as voters in

1 county elections in the precinct or precincts in which the territory to be annexed is
2 located. Upon verifying that the requirements of this subsection have been complied
3 with, the officer shall by proclamation suspend the effectiveness of the resolution,
4 contingent upon the results of the referendum.

5 (g) At any time within the forty-five (45) day period following the final
6 enactment of the resolution, a number of persons equal to not less than twenty per
7 centum (20%) of the qualified voters of the municipal corporation may, in writing,
8 petition the chief executive and administrative officer of the municipal corporation for
9 a referendum on the resolution. Upon the presentation of a petition to the officer, he
10 shall cause to be made a verification of the signatures thereon and shall ascertain
11 that the persons signing the petition represent at least twenty per centum (20%) of
12 the qualified voters of the municipal corporation. Upon verifying that the
13 requirements of this subsection have been complied with, the officer shall by
14 proclamation suspend the effectiveness of the resolution, contingent upon the results
15 of the referendum.

16 (h) At any time within the 45-day period following the final enactment of the
17 resolution, the governing body of the county or counties in which the municipality is
18 located, by at least a two-thirds majority vote, may petition in writing the chief
19 executive and administrative officer of the municipal corporation for a referendum on
20 the resolution. Upon verifying that there has been compliance with the requirements
21 of this subsection, the officer by proclamation shall suspend the effectiveness of the
22 resolution, contingent upon the results of the referendum.

23 (i) The chief executive and administrative officer of the city, town or village
24 shall set a date for the referendum on the ordinance or resolution, which shall be not
25 less than fifteen (15) days and not more than ninety (90) days from the publication of
26 notices therefor. Such notices shall be published twice at not less than weekly
27 intervals in a newspaper or newspapers of general circulation in the municipal
28 corporation and the area to be annexed. The notices shall specify the time and place
29 or places at which the referendum will be held; the place or places shall be within the
30 limits of the area to be annexed for the referendum within that area, and shall be
31 within the limits of the municipal corporation for the referendum in this latter place.

32 (j) On the date and at the places specified, the resolution proposing a change
33 in the corporate boundaries of the municipal corporation shall be submitted to a
34 referendum election of the qualified voters of the municipal corporation or of the
35 persons who reside in the area to be annexed and who are registered as voters in
36 county elections in the precinct or precincts in which the territory to be annexed is
37 located, or both, depending upon whether a petition for referendum has been
38 presented by the residents of the municipal corporation, or by the residents of the
39 area proposed to be annexed or by both such sets of residents. The petition for
40 referendum presented by the governing body of the county shall be acted upon in the
41 same manner as a petition for referendum presented by the residents of the area
42 proposed to be annexed. The ballots or the voting machines, as the case may be, shall
43 contain a summary of the resolution, with suitable provision for the voter to indicate
44 a choice for or against it.

1 (k) For the purposes of this section, in any instance in which there are fewer
2 than twenty persons living in any area proposed to be annexed who are eligible to sign
3 a petition and to participate in a referendum election under the provisions of this
4 section, any person owning real property in the area proposed to be annexed (the word
5 "person" here including an association, the two or more joint owners of jointly-owned
6 property, a firm or corporation) shall have a right equal to that of a natural person to
7 sign a petition or to participate in a referendum election.

8 (l) If only one petition for a referendum is filed and if a majority of the
9 persons voting on the question in that referendum shall vote in favor of the proposal
10 for change, the change shall become effective as proposed on the fourteenth day
11 following the referendum. If two petitions for referendum are filed, the votes cast for
12 the two referenda shall be tabulated separately, so as to show individually the
13 tabulation of votes cast in the municipal corporation and in the area to be annexed. If
14 in both tabulations, each being reckoned separately, a majority of the persons voting
15 on the question shall vote in favor of the proposal for change, the change shall become
16 effective as proposed on the fourteenth day following the referendum. In the event
17 there are two referenda, unless there is such a favorable majority in both tabulations,
18 reckoned separately, the proposal for change shall be void and of no further effect
19 whatsoever.

20 (m) The provisions of this section shall authorize an increase in the area within
21 any municipal corporation only as to land which is not then within the corporate
22 limits of any other municipal corporation.

23 (n) The resolution to add to the corporate boundaries of a municipal
24 corporation shall provide generally that the persons residing in the area to be
25 annexed, and their property, shall be added to the corporate boundaries, generally
26 subject or not subject, as the case may be, to the provisions of the charter of the
27 municipal corporation; except that for stated periods and under specific conditions
28 provision may be made for special treatment of the residents and property in the area
29 to be annexed, as to rates of municipal taxation and as to municipal services and
30 facilities. No change shall be made in these provisions for special treatment for stated
31 periods and under specific conditions, except by resolution enacted in accordance with
32 the provisions and requirements of this section.

33 (o) In addition to, but not as a part of the resolution, the legislative body of the
34 municipal corporation shall provide also a proposed outline for the extension of
35 services and public facilities into the area proposed to be annexed. The outline shall
36 be open to public review and discussion at the public hearing, but amendments to the
37 outline may not be construed in any way as an amendment to the resolution, nor may
38 they serve in any manner to cause a reinitiation of the annexation procedure then in
39 process. A copy of the outline shall be provided to the governing body of the county or
40 counties in which the municipal corporation is located and any regional and State
41 planning agencies having jurisdictions within the county at least 30 days prior to the
42 holding of the public hearing required by this section. The outline shall contain a
43 description of the land use pattern proposed for the area to be annexed, which may
44 include any county master plan already in effect for the area. It shall be presented so
45 as to demonstrate the available land for public facilities which may be considered

1 reasonably to be necessitated by the proposed use, such as school sites, water or
2 sewerage treatment facilities, libraries, recreation, fire or police. It shall contain also
3 a statement describing the schedule for extending to the area to be annexed each
4 municipal service performed within the municipality at the time of annexation and a
5 statement as to the general methods by which the municipality anticipates to finance
6 the extension of municipal services into the area to be annexed.

7 (p) The chief executive and administrative officer of a municipal corporation
8 which has enlarged its corporate boundaries under the provisions of this section shall
9 promptly send the annexation resolution with the new boundaries to the clerk or
10 similar official, to the clerk of the court in the county or counties in which the
11 municipal corporation is located, to the Department of Legislative Services as
12 provided in § 9A of this article, and for those municipalities lying within the regional
13 district, to the Maryland-National Capital Park and Planning Commission. Each
14 such official shall hold the annexation resolution with the new boundaries on record
15 and shall make it available for public inspection during all normal business hours.

16 (q) Repealed.

17 (r) The mayor and council, by whatever name known, of every municipal
18 corporation is hereby authorized and empowered, by ordinance, resolution or
19 regulation, to make proper provision for conducting, and for tabulating the results of
20 any referendum to be held under the provisions of this section. The mayor and council
21 of the municipal corporation shall pay in full for the expenses of any such referendum.

22 (s) The powers granted to municipal corporations by Article XI-E of the
23 Constitution, by this article, and by Article 66B (of the Code), shall not be deemed to
24 authorize any municipal corporation, either through procedures under this
25 subheading or other changes in its charter, to exercise planning (including
26 subdivision control) and zoning jurisdiction or power within any political subdivision
27 in which such planning and zoning jurisdiction or power, or either, is exercised by any
28 State, regional or county agency or authority. Except that where any area is annexed
29 to a municipality authorized to have and having then a planning and zoning
30 authority, the said municipality shall have exclusive jurisdiction over planning and
31 zoning and subdivision control within the area annexed; provided that nothing in this
32 exception shall be construed or interpreted to grant planning and zoning authority to
33 a municipality not authorized to exercise such authority at the time of such
34 annexation.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 July 1, 2003.